

Town Board Minutes

July 6, 2010

Meeting No.19

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6th day of July 2010 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
GEORGE PEASE, ASSISTANT CODE ENFORCEMENT OFFICER
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

AT 8:43 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a particular personnel matter in the Highway Department.

At 9:11 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Tyka, Matt, spoke to the Town Board on the following matters:

- Band events occurring at the Lancaster Speedway
- Complaints of noise in violation of noise ordinance occurring at Lancaster Speedway

Fronczak, Mike, spoke to the Town Board on the following matters:

- Consolidated Water Improvement Contract
- Appropriation of funding for revision of storm sewer bubblers
- Size of pick-up trucks to be bid by Highway Department
- Blacktop work to be done at Town Band Shell

Symer, Donald, spoke to the Town Board on the following matters:

- Intermunicipal Agreement with Erie County for milling and paving on William Street in conjunction with TLN-4 Water District Improvement Contract
- Deer crossing on Columbia Avenue

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
June 21, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 14416 to Claim No. 14599 Inclusive

Total amount hereby authorized to be paid: \$510,606.33

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

NEW PERMITS:

18148	Oneida Fence	301 Aurora St	Er. Fence	(V/L)
18149	The Pool Guy	90 Banner Ave	Er. Pool-Abv Grnd	(V/L)
18150	The Deli Shop	5071 Transit Rd	Er. Sign-Temp	
18151	Home Brands Inc	2 Regency Ct	Er. Shed	
18152	Godios, Teresa	65 Albert Dr	Er. Shed	(V/L)
18153	Kayak Pools	397 Seneca Pl	Er. Pool-Abv Grnd	
18154	Switala's Siding	3 Harewood Run	Re-Roof	
18155	Aqua Systems of WNY	9 Parliament Ln	Inst. Ingrd. Sprinkler	
18156	Steve's Home Improvement	55 Via Donato E	Re-Roof	
18157	Anderson Water Systems	3 Parliament Ln	Inst. Inground Sprinkler	
18158	Essex Homes	81 Middlebury Ln	Er. Sin. Dwlg	
18159	Essex Homes	652 Pleasant View Dr	Er. Sin. Dwlg	
18160	Pauly Construction Inc	40 Nicholas Ln	Er. Deck	
18161	Sun Enterprises Inc.	52 Avian Way	Er. Shed	
18162	Look At That Industries	30 Central Ave	Re-Roof	(V/L)
18163	Buffalo Builders	64 Christen Ct	Re-Roof	(V/L)
18164	Klima, Timothy	299 Enchanted Forest N	Er. Deck	
18165	Castle Home Improvements	1876 Como Park Blvd	Re-Roof	(V/L)
18166	Duro-Shed Inc	46 Michael's Walk	Er. Shed	
18167	Bucher, Tracey	2 Nottingham Ln	Er Deck	
18168	Goettel, Gloria	1494 Townline Rd	Re-Roof	
18169	All Around Fencing	73 Old Post Rd	Er. Fence	
18170	The Vinyl Outlet	2082 Como Park Blvd	Er. Deck	(V/L)
18171	Marrano/Marc Equity	11 Sterling Pl	Er. Sin. Dwlg	
18172	Marrano/Marc Equity	12 Sterling Pl	Er. Sin. Dwlg	
18173	Buscaglia Decks	61 Kennedy Ct	Er. Deck	
18174	Capital Fence Co	8 Caladium Ct	Er. Fence	
18175	Offhaus, James	5097 William St	Re-Roof	
18176	Andrews, Tom	5360 Genesee St	Er. Roof	
18177	Exterior Home Improv.	22 Stone Hedge Dr	Re-Roof	
18178	Exterior Home Improv.	16 Pheasant Run Ln	Re-Roof	
18179	Duro-Shed Inc	36 Heritage Dr	Er. Shed	
18180	City Fence	33 Hinchey Ave	Er. Fence	(V/L)
18181	Kohlhagen, Steven	15 Holland Ave	Alt. Sin. Dwlg	(V/L)
18182	K-Squared Const.	715 Ransom Rd	Alt. Sin. Dwlg	
18183	PJK Roofing	20 Pleasant Ave	Re-Roof	(V/L)
18184	Duro-Shed Inc	5 Worthington Ln	Er. Shed	
18185	Sun Enterprises	61 Avian Way	Er. Shed	

18186	Pickett Fence	55 Court St	Er. Fence	(V/L)
18187	Robinson, Paul	130 Pleasant Ave	Er. Garage	(V/L)
18188	Aqua Systems Of WNY	2 Sterling Pl	Inst. Ingrd. Sprinkler	
18189	Zak Remodeling	23 Colonial Ave	Er. Deck	(V/L)
18190	Sitzman's Appliance	92 Northwood Dr	Inst. Generator	
18192	ABS Construction	5 Pershing Ave	Re-Roof	(V/L)
18193	Iroquois Fence Inc	10 Muirfield Ln	Er. Fence	
18194	Expert Fence	61 Avian Way	Er. Fence	
18195	Besroi Const.	23 Church St	Re-Roof	(V/L)
18196	The Pool Guy	13 Rue Madeleine Way	Er. Pool-Abv Grnd	
18197	S & A Debris Removal	88 Lake Ave	Dem. Bldg	(V/L)
18198	Hometeck Roofing	30 Quail Run Ln	Re-Roof	
18199	Hometeck Roofing	6456 Broadway	Er. Pool-Abv Grnd	
18200	Mammoth Constr.	56 Albert Dr	Re-Roof	(V/L)
18201	John's Home Improv.	6 Legion Pky	Re-Roof	(V/L)
18202	Sebastiano & Sons	12 Heathrow Ct	Er. Res. Add.	
18203	Transit Constr. Services	4827 Transit Rd	Er. Comm. Bldg.	
18204	Heritage Home Bldrs	95 Brunck Rd	Er. Res. Add.	
18206	Leveled Contracting	837 Erie St	Re-Roof	
18207	Iroquois Fence	20 Tanglewood Dr	Er. Fence	
18208	City Fence	141 William Kidder Rd	Er. Fence	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the General Crew Chief by letter dated June 22, 2010, has requested the appointment of one (1) additional seasonal employee in the Parks, Recreation and Forestry Department of the Town of Lancaster for the Summer season of 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual is hereby appointed to the position of seasonal employee for the Summer season of 2010 in the Parks, Recreation and Forestry Department of the Town of Lancaster retroactive to June 28, 2010, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE/HOUR</u>
Alexandra Stribing (new hire) Lancaster, NY	Recreation Attendant	\$7.25

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, Twin District Volunteer Fire Company, Inc., by letter
dated June 22, 2010, has requested the addition of the following member to the roster of said fire
association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the
addition to the membership of the Twin District Volunteer Fire Company the following individual:

ADDITION:

Joseph DiPiazza
Lancaster, New York 14086

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated June 22, 2010, has requested the deletion of the following member from the active roster of
said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby deletes from
the membership of the Twin District Volunteer Fire Company, the following individual:

DELETION:

Richard Powell
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board has previously authorized the Supervisor for the Town of Lancaster to enter into a contract with G & K Sewer Construction Company, Inc., 487 Erie Street, Lancaster, New York 14086 for the purpose of having this contractor complete revision of storm sewer bubblers on an as needed basis to assist the Highway Superintendent in addressing problems which have occurred over time with the storm sewer bubblers where they connect to the main storm sewer on Town roads, and

WHEREAS, the Highway Superintendent has advised that the \$6,500 sum which was appropriated for this work in the resolution of April 19, 2010 has now been expended and has now requested that the Town appropriate an additional sum not to exceed \$6,500, and

WHEREAS, the Town Board has given due consideration to this request and deems it in the public interest to employ this outside contractor to undertake this specialized seasonal work, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the appropriation of an additional sum of \$6,500 to be used for payment for work completed by G & K Sewer Construction Company, Inc., 487 Erie Street, Lancaster, New York 14086 on the revision of storm sewer bubblers at the direction of the Highway Superintendent.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster by letter dated June 28, 2010, has requested that the Town provide funding for the replacement of curbs and curbs within driveway approaches within the Town of Lancaster, and

WHEREAS, the Highway Superintendent obtained five (5) price quotes for furnishing the materials and labor required to replace the curbs and driveway aprons;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards a contract for the materials and labor required to replace the curbs and curbs within driveway approaches to Master’s Edge, Inc., 3409 Broadway, Cheektowaga, New York 14227 being the lowest responsible quote in the amount of \$44 per linear foot with total cost being \$17,732.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Drescher & Malecki LLP, Certified Public Accountants has
duly examined and audited the fiscal affairs of the Town of Lancaster for the year ended
December 31, 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster accepts the
December 31, 2009 audit by Drescher & Malecki LLP entitled “Basic Financial Statements
with Independent Auditors’ Report”.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Drescher & Malecki LLP, Certified Public Accountants has
duly examined and audited the fiscal affairs of the Town of Lancaster, including the records
and fiscal affairs of the Departments of Town Clerk and Town Justices for the year ended
December 31, 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster accepts the
December 31, 2009 audits by Drescher & Malecki LLP entitled “Statement of Changes in
Cash Balances and Statements of Cash Receipts and Disbursements of the Town Clerk and
Town Justices and Independent Auditors’ Report”.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has requested the Town Board to advertise for bids to furnish One (1) new and unused 2011 Ford F-250 Super Cab, Short Box, Pick Up Truck and One (1) 2011 Ford F-150 Super Cab, 6' Box, Pick Up Truck for use by the Town Highway Department, and

WHEREAS, the Highway Committee of the Town Board has approved such request;

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders and/or Automobile Dealers, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on July 28, 2010 at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of One (1) new and unused 2011 Ford F-250 Super Cab, Short Box, Pick Up Truck and One (1) 2011 Ford F-150 Super Cab, 6' Box, Pick Up Truck for use by the Highway Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
AND/OR
AUTOMOBILE DEALERS**

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 28th day of July, 2010, for furnishing One (1) new and unused 2011 Ford F-250 Super Cab, Short Box, Pick Up Truck and One (1) 2011 Ford F-150 Super Cab, 6' Box, Pick Up Truck for use by the Highway Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster identified the need for a Highway Department improvement project for Glendale Drive and Parkdale Drive in the Town of Lancaster in a resolution dated May 18, 2009, and

WHEREAS, a Bond Resolution was adopted for a maximum amount not to exceed \$700,000, and

WHEREAS, a portion of the cost of the project relating to Sanitary Sewer Improvement (i.e., \$584,061) is being borne by Erie County under an Intermunicipal Agreement.

WHEREAS, the Town Board has previously duly advertised for bids for the Asphalt Paving, Curb, Driveway Approaches, Drainage Improvements and Sanitary Sewer Improvements along Glendale Drive and Parkdale Drive, and

WHEREAS, bids were received, opened and reviewed on May 13, 2010, and

WHEREAS, Abate Associates, the project’s consulting engineer, by letter dated May 17, 2010, has recommended award of the bid to Northeast Diversification Inc., being the lowest responsible bidder in the amount of \$1,149,251;

NOW, THEREFORE, BE IT

RESOLVED, that the (a) the Town Board of the Town of Lancaster hereby awards the bid for the Asphalt Paving, Curb, Driveway Approaches, Drainage Improvements and Sanitary Sewer Improvements along Glendale Drive and Parkdale Drive in the Town of Lancaster to Northeast Diversification, Inc., 2 Cadby Industrial Park, Lancaster, New York 14086 in the amount of \$1,149,251, being the lowest responsible bidder in conformance with the specifications on file in the office of Abate Associates, and (b) this bid award is subject to certification by the Town’s Director of Finance that the legal estoppel period for the Bond issuance referred to herein has expired.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town of Lancaster has awarded a construction contract for Consolidated Water District Water System Improvement Contract No. TLN-4 with an improvement project for William Street in the Town of Lancaster in a resolution dated May 3, 2010, and

WHEREAS, representatives of the Town and the Erie County Department of Public Works (E.C.D.P.W) has determined that it is in the mutual best interest of the Town and E.C.D.P.W for the E.C.D.P.W to complete the milling and paving over the waterline trench as part of E.C.D.P.W's scheduled road work for William Street , and

WHEREAS, the Intermunicipal Agreement was prepared by the Erie County Department of Public Works and approved as to form by the Erie County Attorney defining this combined engineering and construction effort and the method of compensating the County for the costs associated with the milling and paving along the waterline trench location, and

WHEREAS, the Town of Lancaster's Attorney and Engineer have reviewed the proposed Intermunicipal Agreement and have found it to be acceptable;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an Intermunicipal Agreement with the County of Erie for the milling and paving on William Street as part of the Consolidated Water District Water System Improvement Contract No. TLN-4.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, RJF Development, 4430 Walden Avenue, Lancaster, New York 14086 has applied to the Town Board of the Town of Lancaster for permits for Public Improvements upon real property in the Town of Lancaster within Cross Creek , Phase Two, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application Nos. 666, 667, 668 and 669 of RJF Development, 4430 Walden Avenue, Lancaster New York 14086 which are permits for Public Improvements for the installation of:

P.I.P. No.666 (Detention Basin)	Cross Creek, Phase Two - Construct detention pond in the rear of sublots 74, 75 and 76.
P.I.P. No. 667 (Pavement & Curb)	Cross Creek, Phase Two - Tranquility Trail 14+10 to 25+50 and Commonwealth Lane 3+50 to 5+31.12 20" upright curb +/- 2,600 lf and 28' wide asphalt pavement (12" subbase, 4" Type 1 base, 2" Type 3 binder and 1" Type 7 top), serving sub lots 41-50 & 67-79.
P.I.P. No. 668 (Water Line)	Cross Creek, Phase Two - 10" D.I.P., 60 lf; 10" PVC, 1,070 lf and 8" P.V.C., 160 lf. Hydrants on 10" line, 2 ea, 10" gate valves, #2 ea, 8" gate valve, 1 ea 2" blowoff on 10", 1 ea and 2" blowoff on 8", 1 ea serving sublots 41-50 and 67-79.
P.I.P. No. 669 (Storm Sewer)	Cross Creek, Phase Two - 18" H.D.P.E., 703 lf, 12" H.D.P.E., 387 lf, 10" H.D.P.E., 248 lf, 8" H.D.P.E., 168 lf and 6" H.D.P.E., 191 lf. Sediment chamber #2, 4 ea manholes, 1 ea manhole/receiver, 6 ea 24" sq. road receivers, 4 ea light duty receivers and 8 ea 6" dia lawn drains. Serving sublots 41-50 & 67-79.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, PARKS designated as Chapter 29-2 (B) of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on a proposed amendment to the PARKS Ordinance, Chapter 29-2 (B) of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 19th day of July, 2010, at 8:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

**LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 29 OF CODE OF TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of July, 2010, the said Town Board will hold a Public Hearing on the 19th day of July, 2010, at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendment to Section 29-2, General regulations (B), of the Parks Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 29 of the Code of said Town:

**CHAPTER 29
SECTION 29-2
GENERAL REGULATIONS**

§29-2. General Regulations, (B), shall be amended by adding thereto the following:

B.

(1) Heritage Trail Bike Path

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

July 6, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, Daniel Amatura, has advised the Town Board that the Highway Department has six loads of millings which are no longer of use to the department and he has requested that the Town Board therefore deem the property to be surplus property, and

WHEREAS, School Superintendent, Edward Myszka, by letter dated June 29, 2010 has requested that the Town of Lancaster deliver the six loads of millings to their property, and

WHEREAS, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the before mentioned property to be surplus property and

WHEREAS, from time to time the Town of Lancaster and the Lancaster School District maintain a mutually cooperative relationship wherein services and facilities are shared for the benefit of the community;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby declares the before mentioned property to be surplus property and authorizes the Highway Superintendent to deliver six loads of millings to the Lancaster School District property.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 2010

COMMUNICATIONS & REPORTS

- 271. MBA Consulting & Appraising Co. to Supervisor -
Letter of appreciation to the assessor's office for courtesy and professionalism exhibited during a recent meeting. DISPOSITION = Received & Filed
- 272. Town Clerk to Various News Media -
Announcement of rescheduling of Town Board meeting from Monday, July 5, 2010 to Tuesday, July, 6, 2010 due to holiday observance; no work session scheduled. DISPOSITION = Received & Filed
- 273. Planning Board to Town Board -
Notice of tabling to July 7, 2010 meeting regarding preliminary plat plan review for Prairie Landing Subdivision, north of Affordable Senior Housing, Pavement Road; conditions noted. DISPOSITION = Received & Filed
- 274. Planning Board to Town Board -
Notice of tabling to July 7, 2010 meeting regarding site plan review for Transit Boulevard Apartment Complex, Transit Road north of William Street.
DISPOSITION = Received & Filed
- 275. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held June 16, 2010.
DISPOSITION = Received & Filed
- 276. General Crew Chief to Town Board -
Request appointment of a seasonal employee. DISPOSITION =
Resolution 7/6/10
- 277. NYS DOT to Highway Superintendent -
Information regarding Preventive Bridge Maintenance program with federal funding through the state Department of Transportation. DISPOSITION =
Highway Superintendent & Town Engineer
- 278. Duplicate
- 279. Twin District Volunteer Fire Co. to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 7/6/10
- 280. Twin District Volunteer Fire Co. to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 7/6/10
- 281. Erie County Commissioner, Dept. of Environment & Planning to Chairman, Zoning Board of Appeals -
Announcement of audio/video training modules available from the Department of Environment and Planning for local use to satisfy NYS training requirements.
DISPOSITION = Received & Filed
- 282. Highway Superintendent to Town Board -
Request resolution awarding contract for curb replacement to Master's Edge, Inc.
DISPOSITION = Resolution 7/6/10
- 283. Erie County Legislator Dino Fudoli to Town Board -
Announcement of July outreach schedule, namely, Wednesday, July 14, 3:30 PM - 6:00 PM at the Lancaster Library, 5466 Broadway.
DISPOSITION = Received & Filed
- 284. Highway Superintendent to Supervisor -
Request resolution to advertise for bids for two pick-up trucks. DISPOSITION =
Resolution 7/6/10

- 285. Susan I. Szwajda to Town Board -
Request for renewal of special use permit for home occupation at 91 Nichter Road. DISPOSITION = For Resolution
- 286. NYS DEC to Planning Board Chairman -
Comments regarding Preliminary Plat Plan for Prairie Landing Subdivision, Pavement Road. DISPOSITION = Planning Committee
- 287. Village of Lancaster to Town Board -
Minutes of meeting held June 12, 2010. DISPOSITION = Received & Filed
- 288. Village of Lancaster to Town Board -
Minutes of meeting held June 14, 2010. DISPOSITION = Received & Filed
- 289. Superintendent of Schools, Lancaster Central School District to Supervisor -
Request for millings to be delivered to Lancaster High School. DISPOSITION = Resolution 7/6/10
- 290. General Crew Chief to Building Inspector -
Letter of acceptance of landscape plan regarding site plan for Buffalo Filter, 5872 Genesee Street. DISPOSITION = Planning Committee
- 291. Erie County Department of Public Works to Town Attorney -
Comments regarding Revised Preliminary Plat Plan for the Vine Subdivision, Bowen Road at Summerfield Drive. DISPOSITION = Planning Committee
- 292. Erie County Department of Public Works to Town Attorney -
Comments regarding Preliminary Plat Plan for the Prairie Landing Subdivision, Pavement Road. DISPOSITION = Planning Committee

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED BY
COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned at 9:11 P.M.

Signed _____
Johanna M. Coleman, Town Clerk